

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Juan Nuno Velasco,

Plaintiff,

v.

Sheriff Dennis Balaam,

Defendant.

Case No. 2:23-cv-00192-CDS-DJA

Order

Before the Court is Plaintiff's notice regarding service. (ECF No. 14). Summons to Defendant Sheriff Dennis Balaam were returned unexecuted on September 19, 2023 because the U.S. Marshals Service did not receive Plaintiff's USM-285 form. (ECF No. 13). In Plaintiff's notice, he explains that he was provided the wrong address to send his USM-285 form. (ECF No. 14). Plaintiff adds that, on September 20, 2023, after receiving the unexecuted summons, he requested additional USM-285 forms that he will send to the correct address.

Plaintiff may rely on the U.S. Marshals Service for service under Federal Rule of Civil Procedure 4(c)(3). Additionally, under Federal Rule of Civil Procedure 4(m), if a plaintiff shows good cause for failure to serve a defendant within ninety days of the complaint being filed, the Court must extend the time for service for an appropriate period. Because Plaintiff will be re-sending USM-285 forms, the Court will re-send the complaint and summons to the U.S. Marshals Service. The Court will also extend the time by which Plaintiff must furnish the U.S. Marshals Service with his USM-285 form, which deadline passed on August 25, 2023. (ECF No. 6). Finally, the Court will extend the time for service, which, under Federal Rule of Civil Procedure 4(m), will close on October 24, 2023.

1 **IT IS THEREFORE ORDERED** that the Clerk of Court is kindly directed to deliver the
2 following to the U.S. Marshals Service: (1) the summons issued to Sheriff Dennis Balaam (ECF
3 No. 8); (2) the complaint (ECF No. 7); and (3) a copy of this order.

4 **IT IS FURTHER ORDERED** that Plaintiff shall have until **October 30, 2023** to furnish
5 the U.S. Marshals the required USM-285 forms. Within twenty-one days after receiving a copy
6 of the USM-285 forms back from the U.S. Marshals Service showing whether service has been
7 accomplished, Plaintiff must file a notice with the Court identifying whether the defendant was
8 served. If Plaintiff wishes to have service again attempted on an unserved defendant, the Plaintiff
9 must file a motion with the Court identifying the unserved defendant and specifying a more
10 detailed name and/or address for said defendant or whether some other manner of service should
11 be attempted.

12 **IT IS FURTHER ORDERED** that Plaintiff shall have forty-five additional days—until
13 **December 8, 2023**—within which to serve Defendant.

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15 DATED: September 28, 2023

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18 DANIEL J. ALBREGTS
19 UNITED STATES MAGISTRATE JUDGE
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